

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

PHIL LYTLE,)
Plaintiff,)
v.) No. 11-0726-CV-W-FJG
ST. JOSEPH MEDICAL CENTER,)
Defendant.)

ORDER

Pending before the Court is Plaintiff's Motion to Strike Affirmative Defenses of Defendant's Answer with Suggestions in Support Thereof (Doc. No. 6). On September 6, 2011, Defendant filed an amended answer (Doc. No. 7) and suggestions in opposition (Doc. No. 8), indicating that the motion to strike is moot given that plaintiff consents to the filing of an amended answer. On September 14, 2011, defendant filed a notice of plaintiff's written consent to the filing of the first amended answer (Doc. No. 10).

Defendant may amend its pleading with the opposing parties' written consent according to Fed. R. Civ. P. 15(a)(2). Accordingly, as plaintiff has consented in writing to the filing of the amended answer, plaintiff's motion to strike (Doc. No. 6) will be **DENIED AS MOOT.**

IT IS SO ORDERED.

Dated: 9/15/2011
Kansas City, Missouri.

/s/ FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge